

Approved For Release 2005/01/06 : CIA-RDP81M00980R000200010034-2
Office of Legislative Counsel *gen*

OK-78-0802

14 Feb 78

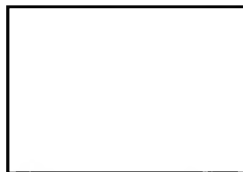
TO: 

FROM: *76*

PLC

16 FEB 1978

In answer to your query
(see attached), my intention was
rather straightforward, simply that
OLC and not IPS or OGC would be
responsible for coordinating FOIA/PA
related matters with the Hill.



*file
FOIA*

Thaler

25X1

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TO : ~~Mr. Garry~~ [redacted]

FROM : PLG 9 FEB 1978

7 Feb 1978

SUSPENSE DATE

SUBJECT:

Memorandum of Agreement for Handling FOI Requests Involving Congressional Documents and Information

NOTES

Attached for OLC concurrence is a Memorandum of Agreement as to how OLC, OGC and the DDA (FOIA) will handle FOIA requests involving Congressional documents and information.

I met with [redacted] OGC, and [redacted] FOIA Coordinator, and 25X1 worked out this agreement. There had been an earlier version which OGC was pressing for. This version would have established a flat prohibition to provide any Congressional documents and information including unclassified published documents. OGC felt this position necessary pending final court disposition of the Goland case. This case involves the executive session transcript of the House Congressional Committee which considered the National Security Act of 1947. CIA's position is the transcript is the property of the House and still under House control. The attached is a compromise rather than a flat prohibition. OLC will be the focal point to coordinate with Congressional offices as required to confirm their continued caveat of confidentiality and nondisclosure.

COORDINATED WITH (list names as well as offices)

NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE

ACTION REQUIRED BY GLC

If you approve I will sign for OLC concurrence

OK
 Final looks OK
 Please explain this sentence?
 Not sure I understand full meaning?
 Thank

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25X1

2 February 1978

MEMORANDUM OF AGREEMENT

SUBJECT: FOIA/PA POLICY OF HANDLING CONGRESSIONAL MATERIAL

Until Goland v. CIA is decided, it is agreed that the Central Intelligence Agency (CIA) will have the following procedures concerning Congressional material;

- A. Information recorded during an executive session of the Congress should be denied as being inaccessible under the Freedom of Information and Privacy Acts (Goland v. CIA). In addition, information given to the CIA with a clear understanding of confidentiality by a Committee or any member of Congress should also be denied as being inaccessible under the Freedom of Information and Privacy Acts (Sheinbaum v. CIA). The Office of Legislative Counsel (OLC) will seek Congressional confirmation of confidentiality with the appropriate Committee or member of Congress involved at the time of a Freedom of Information Act or Privacy Act request.
- B. The variety of other Congressional documents or Congressional information located should be referred to OLC for their determination as to whether the Congressional office of interest should be consulted. Any referrals to the Congressional office of interest shall go through OLC. There should be prior consultation by OLC with the Office of General Counsel as to the legal sufficiency of denying any material under the Freedom of Information Act or Privacy Act in all cases in which OLC anticipates a denial by the Congressional office of interest. (Example-Unedited transcripts).
- C. Information drawn from openly published Congressional documents may be released by IPS as public source material.

CONCUR:

Assistant for Information/DDA

Date

25X1

2/2/78
Date

Office of Legislative Counsel

Date

Ref: OGC Memo dated October 25, 1977
IPS Memo dated November 7, 1977

- Attachments:
1. Letter dated July 26, 1977 to Anthony A. Lapham
General Counsel, CIA from Edmund L. Henshaw, Jr.,
Clerk, U.S. House of Representatives
 2. Letter dated December 9, 1977 to Anthony A. Lapham
from Richard L. Schultz, Counsel, Committee on the
Judiciary, U.S. Senate

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